



# Memo TO Members

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## NLIHC News

### September is NLIHC Membership Month: Join NLIHC Today

We are now in our third week of NLIHC's Membership Month. We welcome our new members and thank those who recently rejoined. Your membership is essential to helping NLIHC carry out our mission. Please join NLIHC today and spread the word to others. Visit our Membership page at: <http://nlihc.org/membership/nmm>

#### Not a member?

The membership process is quick and easy. [Join today](#) and you will be eligible to win some great gifts in our third drawing scheduled for **September 23**. Up to 8 new members will win an NLIHC water bottle, and one will win a free registration to attend the 2017 NLIHC Policy Forum taking place in Washington DC April 2-4, 2017 (a \$300 value).

#### Already a member?

For existing members, Membership Month is an opportunity to reaffirm your commitment to ending housing poverty and homelessness by encouraging your family members, friends, and colleagues to join NLIHC.

Here are a few ways you can help:

- **Recruit Others:** Recommend NLIHC membership to your family, friends and colleagues. All new and renewing members during the month of September may be eligible to [win some great gifts](#).
- **Change your Twitter and Facebook Background:** Let everyone in your social media network know that you support NLIHC's work and that membership is important to you.
- **Show Your Support via Social Media:** Use our sample tweets and Facebook posts to encourage those in your social network to [#JoinNLIHC](#).

To download membership graphics and to access sample social media messages visit:

[www.nlihc.org/membership/nmm](http://www.nlihc.org/membership/nmm)

Should you need additional assistance, please contact NLIHC's Field team at: [outreach@nlihc.org](mailto:outreach@nlihc.org)

## Congress

### House Subcommittee to Hold Hearing on Voucher Mobility

The House Financial Services Subcommittee on Housing and Insurance will hold a hearing titled "The Future of Housing in America: A Better Way to Increase Efficiencies for Housing Vouchers and Create Upward Economic Mobility."

At the time this *Memo to Members* was published, witnesses had not yet been identified.

The hearing will be held on September 21 at 10 am ET in room 2128 of the Rayburn House Office Building.

Information about the hearing is posted at: <http://bit.ly/2cqqqv6>

## **Senate Subcommittee to Hold Hearing on Oversight of HUD Inspection Process**

The Housing, Transportation, and Community Development Subcommittee of the Senate Banking, Housing and Urban Affairs Committee will hold a hearing on the oversight of the HUD inspection process.

Witnesses are:

- Senator Marco Rubio (R-FL);
- Edgar Olsen, professor of economics and public policy in the University of Virginia's Batten School of Leadership and Public Policy; and
- Tracy Grant, president of the Eureka Garden Tenants' Association, Jacksonville, FL.

The hearing will be held on September 22 at 10 am ET in room 538 of the Dirksen Senate Office Building.

Information about the hearing is posted at: <http://bit.ly/2cOvkhU>

## **Budget**

### **Senate Expected to Take Up CR This Week**

Senate Majority Leader Mitch McConnell (R-KY) was forced to push back a procedural vote on a stopgap funding measure, after senators were unable to come to agreement on politically sensitive issues, such as how to fund the federal response to the Zika virus. Congress must pass the measure, known as a Continuing Resolution (CR), by September 30, in order to keep the government funded into the next fiscal year.

Majority Leader McConnell initially scheduled the vote for last Thursday but postponed it until Monday night, September 19, to give senators more time resolve issues. The CR is expected to fund the government into December.

“We’re continuing to negotiate text for the short-term CR, the Zika bill, and moving the bill until Monday night will allow us to move forward next week,” Majority Leader McConnell said on the Senate floor Thursday.

House leadership has indicated that, like the Senate, they have not reached an agreement on how to fund the government past September 30. House Appropriations Committee Chair Harold Rogers (R-KY) expects the final details of the CR and a Zika response plan to be released this week. House Minority Leader Nancy Pelosi (D-CA) warned Republicans not add ideological policy riders to the CR.

The Obama Administration and several lawmakers have requested that the CR include emergency funding for Louisiana to help the state recover from severe flooding in August. (See related article in this *Memo to Members*.)

### **Obama Administration Requests \$2.6 Billion for Louisiana Flood Recovery**

The Obama Administration has asked Congress to approve \$2.6 billion in emergency funds for survivors of Louisiana’s flood (see *Memo 9/12*). In a September 13 letter to House Appropriations Committee Chairman Hal Rogers (R-KY), OMB Director Shaun Donovan requested the allocation be included in any upcoming Continuing Resolution (CR) to keep the government funded into FY17. This request follows Louisiana Governor John Bel Edwards’s September 12 appeal for \$2.8 billion in emergency funds and repeated calls by the Louisiana congressional delegation for additional assistance for the state. FEMA has spent millions in emergency funding in Louisiana, but Governor Edwards has said those funds won’t be sufficient to cover the

estimated \$8.7 billion in damages. The Administration had assured Governor Edwards on September 8 that the federal government would assume 90% of disaster relief spending.

Specifically, the Administration is requesting \$2.6 billion in disaster Community Development Block Grant (CDBG) funds for housing and other infrastructure needs, as well as for flood prevention efforts and aid for small businesses. Like other CDBG funds, the funds would be administered by HUD. The Louisiana delegation is hopeful that some disaster funds will be included in a CR, with additional resources coming in a final FY17 appropriations bill passed after the November election.

HUD reports that more than 1,300 of its tenants have been displaced by the flooding, while the Federal Emergency Management Agency (FEMA) has registered more than 144,000 people seeking disaster assistance. More than 145,000 homes are located in flood areas in and around Baton Rouge.

### **Senate Appropriations Subcommittee to Hold Hearing on Public Housing and Vouchers**

The Senate Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies will hold a hearing to examine the implications of converting public housing and other project-based rental assistance to Section 8 vouchers. The Subcommittee will also consider administrative changes to the Section 8 voucher program, to improve the delivery of rental assistance to vulnerable families and individuals.

Witnesses are:

- Richard Gentry, president and CEO, San Diego Housing Commission
- Dr. Edgar Olsen, Ph.D. University of Virginia professor of Economics and Public Policy
- Erika Poethig, fellow and director of Urban Policy Initiatives at the Urban Institute

The hearing will be held on September 21 at 10:30 am ET in room 192 of the Dirksen Senate office building.

Information about the hearing is posted at: <http://bit.ly/2cCS99B>

### **Administration**

#### **OMB Director Donovan and Attorney General Lynch Discuss Barriers to Social Mobility**

The Urban Institute hosted an event titled “Promoting Economic Mobility: Putting Evidence to Action for Communities” on September 14. The discussions focused on innovative strategies and successful practices that combat racial and economic inequalities, as well as identifying and overcoming institutional barriers that prevent socio-economic mobility.

Director of the Office of Management and Budget Shaun Donovan spoke about the need to address institutional failures and stressed the importance for advocacy and action. Mr. Donovan expressed concern for the widening opportunity gap and highlighted high housing costs as a key issue in preventing economic mobility.

Urban Institute Director of Urban Policy Initiatives Erika Poethig and the D.C. Deputy Mayor for Greater Economic Opportunity Courtney Snowden engaged in a lively dialog about the systematic exclusion of minorities from sharing in the economic growth in Washington, D.C. Ms. Snowden emphasized the need to combat gentrification in Washington’s oldest and increasingly expensive neighborhoods. The displacement of long-term residents and businesses from these neighborhoods keeps low-income minorities from sharing in new economic opportunities. Ms. Snowden emphasized the need to measure the socio-economic impact of minority displacement and to focus Washington’s resources on protecting low-income residents.

Attorney General Loretta Lynch spoke about racial injustices and the need to actively overcome societal barriers that prevent minorities from climbing the economic ladder. Ms. Lynch stressed the importance of providing a second chance to citizens returning from incarceration. She praised HUD for working with the Department of Justice to provide housing assistance to justice-involved individuals and expressed a desire to continue building on that partnership as criminal justice reform is formulated and implemented.

Watch the archived webcast at: <http://urbn.is/2chbFrV>

## **Fair Housing**

### **HUD Publishes Final Fair Housing Harassment Rule**

HUD published a final rule amending its fair housing regulations in order to protect individuals who experience harassment in housing. The courts and HUD have long considered harassment based on race, color, national origin, religion, sex, family status, and disability (the “protected classes”) to be prohibited under the Fair Housing Act. Standards for assessing harassment claims, however, had not been formalized in regulation. To address this lack of standards, the rule adds to the existing regulation a definition the terms “quid pro quo” (“this for that”) harassment and “hostile environment” harassment, examples of such harassment, specifics about how HUD would evaluate complaints, and clarified standards for “direct liability.”

In 1989, HUD issued fair housing regulations (24 CFR part 100) that generally addressed discriminatory conduct in housing. Those regulations include examples of discriminatory housing practices that have been interpreted to cover quid pro quo sexual harassment and hostile environmental harassment in general, but did not define them. Proposed amendments to these regulations were published on October 21, 2015 (see *Memo*, [11/2/15](#)). NLIHC’s written comments expressed strong support for the proposed rule.

The definition of quid pro quo harassment is not changed from the proposed rule. The definition, in new Section 100.600(a)(1), states:

“Quid pro quo harassment refers to an unwelcome request or demand to engage in conduct where submission to the request or demand, either explicitly or implicitly, is made a condition related to: the sale, rental, or availability of a dwelling; the terms, conditions, or privileges of the sale or rental, or the provision of services or facilities in connection with the sale or rental; or the availability, terms, or conditions of a residential real estate-related transaction. An unwelcome request or demand may constitute quid pro quo harassment even if a person acquiesces in the unwelcome request or demand.”

The definition of hostile environment harassment is also unchanged from the proposed rule. The definition, in new Section 100.600(a)(2), states:

“Hostile environment harassment refers to unwelcome conduct that is sufficiently severe or pervasive as to interfere with: the availability, sale, rental, or use or enjoyment of a dwelling; the terms, conditions, or privileges of the sale or rental, or the provision or enjoyment of services or facilities in connection with the sale or rental; or the availability, terms, or conditions of a residential real estate-related transaction. Hostile environment harassment does not require a change in the economic benefits, terms, or conditions of the dwelling or housing-related services or facilities, or of the residential real-estate transaction.”

As with the proposed rule, whether hostile environment harassment exists depends upon “the totality of the circumstances.” Factors to be considered regarding “the totality of the circumstances” include the nature of the conduct; the context in which the incident(s) occurred; the severity, scope, frequency, duration, and location of the conduct; and the relationships of the persons involved.

In response to public comments, the final rule makes five changes, mostly re-wording proposed text to minimize confusion or to add emphasis.

The final rule clarifies a provision pertaining to the totality of the circumstances related to evidence of psychological or physical harm. It now reads: “Neither psychological nor physical harm must be demonstrated to prove that a hostile environment exists. Evidence of psychological or physical harm may, however, be relevant in determining whether a hostile environment existed and, if so, the amount of damages to which an aggrieved person may be entitled.”

The final rule adds a consideration to weigh regarding the totality of the circumstances: “Whether unwelcome conduct is sufficiently severe or pervasive as to create a hostile environment is evaluated from the perspective of a reasonable person in the aggrieved person’s position.”

Pertaining to both hostile environment harassment and quid pro quo harassment, the final rule rewords a provision regarding the number of incidents to consider. In Section 100.600(c), the final rule clarifies that a single incident may constitute a discriminatory housing practice if the incident is sufficiently severe to create a hostile environment or provides evidence of a quid pro quo.

The existing fair housing regulations describe conduct that is unlawful under the Fair Housing Act (Section 100.400). The final rule adds a provision not in the proposed rule, Section 110.400(c)(6), prohibiting retaliation against anyone because they reported a discriminatory housing practice to a housing provider or other authority.

The fifth change relates to direct liability for discriminatory housing practices. The proposed rule intended to clarify standards for liability based on traditional legal principles of tort liability. One of three ways a person could be directly liable is if that person failed to take prompt action to correct and end harassment by a third party when the person knew or should have known of the harassment - for example, a management company staff person who knew of a resident harassing another resident. The final rule re-words the language of the proposed rule by adding that in order to be directly liable, the accused person must have the power to correct the actions of the third party.

Comments by NLIHC and other advocates asked HUD to define harassment because of sex to include harassment based on sexual orientation, gender identity, or sex stereotyping. In the preamble to the final rule, “HUD reaffirms its view that under the Fair Housing Act, discrimination based on gender identity is sex discrimination. Accordingly, quid pro quo or hostile environment harassment in housing because of a person’s gender identity is indistinguishable from harassment because of sex.” The text of the rule itself is not changed.

The preamble continues, less categorically, noting that in a 2010 memorandum HUD interpreted the Fair Housing Act’s prohibition on sex discrimination to include discrimination related to an individual’s sexual orientation where evidence establishes that the discrimination is based on sex stereotypes.

NLIHC and other advocates asked that the preamble to the final rule include additional discussion of unwelcome conduct directed against lesbian, gay, bisexual, and transgender people, as well as of unwelcome conduct based on a person’s actual or perceived sexual orientation or gender identity. Beyond sexual harassment, NLIHC and other advocates also recommended the preamble to the final rule include examples of potentially unwelcome conduct based on national origin, such as sustained hostility against people with limited English proficiency. NLIHC also requested examples of harassment on the basis of disability. HUD declined to add such examples in the preamble to the final rule, retaining the examples contained in the proposed rule.

The final rule is in the *Federal Register* at: <http://bit.ly/2cJhKwy>



## HUD Issues Fair Housing Guidance Regarding Local Nuisance Ordinances

HUD's Office of General Council issued guidance on applying fair housing standards to the enforcement of local nuisance and crime-free ordinances. The guidance primarily focuses on the impact these ordinances may have on domestic violence victims, but also apply to victims of other crimes and to those in need of emergency services who may be subjected to discrimination prohibited by the Fair Housing Act. The guidance also describes how local and state governments and public housing agencies receiving HUD funds should consider these ordinances when conducting their assessments of fair housing under the Affirmatively Furthering Fair Housing regulations.

On August 17, 29 senators, led by Senator Al Franken (D-MN), sent a letter to HUD Secretary Julián Castro urging HUD to provide written guidance regarding how local nuisance ordinances may violate the Fair Housing Act and the Violence Against Women Act (see *Memo*, [8/22](#)).

Nuisance conduct often includes what is characterized by an ordinance as an “excessive” number of calls for emergency police or ambulance services, typically defined as just a few calls within a specified period of time by a tenant, neighbor, or other third party, whether or not they are directly associated with the property. In some jurisdictions, an incident of domestic violence is defined as a nuisance without regard to whether the resident is the victim or the perpetrator of the domestic violence.

Some ordinances specifically define “excessive” calls for police or emergency services as nuisances even when the person in need of services is a victim of domestic violence or another crime or otherwise in need of police, medical or other emergency assistance. Even where ordinances expressly exclude victims of domestic violence or other crimes, victims are still frequently deemed to have committed nuisance conduct because police and other emergency service providers may not log the call as domestic violence.

Nuisance ordinances generally require housing providers to abate the alleged nuisance or risk penalties, such as fines, loss of their rental permits, and condemnation of their properties. Some ordinances may require a housing provider to evict a resident and the household after a specified number of alleged nuisance violations within a specific timeframe.

A number of local governments enforce crime-free lease ordinances or promote crime-free housing programs that incorporate the use of crime-free lease addenda. Some of these ordinances operate like nuisance ordinances and penalize housing providers who fail to evict tenants when a tenant, resident, or other person has allegedly engaged in a violation of a law, regardless of whether the tenant or resident was the victim of the violation. Crime-free lease addenda often do not provide exceptions for cases where a resident or tenant is the victim of domestic violence or another crime.

Some crime-free housing ordinances mandate or strongly encourage housing providers to implement lease provisions that require eviction based on an arrest alone, and some do not even require an arrest or conviction to evict a tenant. HUD points to the General Counsel's recent fair housing guidance regarding use of criminal records by housing providers (see *Memo*, [4/11](#)). The guidance states that a local government's policies and practices to address nuisances, including enactment or enforcement of a nuisance or crime-free housing ordinance, violate the Fair Housing Act when they have an unjustified discriminatory effect, even when the local government had no intent to discriminate.

Thus, when a policy or practice that restricts the availability of housing on the basis of nuisance conduct has a disparate impact on individuals of a particular protected class, the policy or practice is unlawful under the Fair Housing Act if it is not necessary to serve a substantial, legitimate, nondiscriminatory interest of the local government, or if such interest could be served by another practice that has a less discriminatory effect. Discriminatory effects liability is assessed under a three-step, burden-shifting standard requiring a fact-specific analysis (see *Memo* [2/8/13](#)). The HUD guidance discusses at length the three steps that must be used to analyze



whether a local government's enforcement of a nuisance or crime-free housing ordinance results in a discriminatory effect in violation of the Act.

The guidance is at: <http://bit.ly/2cY6oGT>

## Research

### **Census Data Show Higher Incomes and Lower Poverty in U.S., but not Full Recovery**

The U.S. Census Bureau released its annual report on income and poverty on September 13. *Income and Poverty in the United States: 2015* shows that median household income increased between 2014 and 2015 by 5.2%, from \$53,718 to \$56,516. The poverty rate declined from 14.8% to 13.5% during the same period. The poverty rate, however, remains one percentage point higher than it was in 2007, prior to the recession.

The number of people in poverty declined by 3.5 million Americans, to 43.1 million, between 2014 and 2015. The poverty rate remained unchanged (28.5%) for adults aged 18 to 64 with a disability, but declined for most other groups. The poverty rate remains high for adults without a high school diploma (26.3%), blacks (24.1%), Hispanics (21.4%), and children under the age of 18 (19.7%).

Despite its recent increase, median household income in 2015 was still nearly \$1,400 (in inflation-adjusted dollars) less than its high in 1999. Over the past 16 years, real income has declined by 2.4% for the median household and by 9.9% for households in the bottom 10% of income. Real household income has increased by 5.7% for households in the top 10% of income.

The Census Bureau also released the 2015 Supplemental Poverty Measure (SPM) on September 13. The SPM was developed to address the shortcomings of the official poverty measure, which excludes non-cash government benefits from income. The SPM takes into account benefits like housing subsidies, the Supplemental Nutrition Assistance Program (SNAP), and refundable tax credits. The SPM also deducts certain necessary expenses from income, such as taxes, out-of-pocket medical costs, and work-related expenses.

The SPM shows that housing subsidies such as vouchers and public housing lift 2.5 million Americans out of poverty. Housing assistance reduces the poverty rate by 0.6 percentage points for adults between 18 to 64 years of age, 1.0 percentage point for seniors 65 years and older, and 1.2 percentage points for children under 18.

*Income and Poverty in the United States: 2015* is available at: <http://bit.ly/2coyyJw>

*The Supplemental Poverty Measure: 2015* is available at: <http://bit.ly/2c6nvBF>

### **School Workers Unable to Afford Housing**

The National Housing Conference's Center for Housing Policy released its 2016 edition of *Paycheck to Paycheck*. This year's report focusses on housing affordability for five occupations found among workers at schools in major metropolitan areas nationwide: bus driver, child care (day care) teacher, groundskeeper, social worker, and high school teacher. The report finds that housing affordability is a challenge for school workers in many metropolitan areas.

The report examines housing affordability in 210 metropolitan areas for the median-wage worker with two to four years of experience in each of the five occupations. A median-wage bus driver could not afford to rent or buy a typical two-bedroom home in any of the metropolitan areas without spending more than 30% of his or her income on housing. A median-wage high school teacher could afford to rent a modest two-bedroom home in 94% of the metropolitan areas, but could afford to buy in only 62% of the metropolitan areas. The table below

provides the percentage of metropolitan areas where the median wage worker in each occupation could afford to rent or buy a typical two-bedroom home.

<i>Occupation:</i>	<b>% of Metropolitan Areas where Typical 2-Bedroom Home is Affordable for Median Wage Worker</b>	
	<i>To Rent</i>	<i>To Buy</i>
Bus Driver	0%	0%
Child Care Teacher	5%	6%
Groundskeeper	27%	12%
Social Worker	90%	52%
High School Teacher	94%	62%

*Paycheck to Paycheck* draws on data from the National Association of Home Builders (NAHB) and the National Association of Realtors (NAR) for median home prices, HUD’s 2016 Fair Market Rent data for rental prices, and Salary.com for wages for workers, typically with two to four years of experience.

*Paycheck to Paycheck 2016: A Snapshot of Housing Affordability for School Workers* is available at: <http://bit.ly/2cxaAg2>

*Paycheck to Paycheck* also provides an on-line database where users can compare housing costs and wages for 81 occupations in each of the metropolitan areas. It is available at: <http://bit.ly/2cvfpEZ>

### **Study Examines At-Risk Affordable Housing Stock in Neighborhoods of Opportunity**

A study published in *Housing Policy Debate* by Michael Lens and Vincent Reina titled “Preserving Neighborhood Opportunity: Where Federal Housing Subsidies Expire” found that project-based Section 8 properties with rent restrictions expiring between 2011 and 2020 are on average in higher opportunity neighborhoods than properties supported by the Low Income Housing Tax Credit (LIHTC), vouchers, and public housing. Project-based Section 8 properties whose subsidies expired between 2000 and 2010 were on average located in lower opportunity, but improving, neighborhoods.

The authors compared neighborhood opportunity for distinct groups of rental housing: project-based Section 8 properties expiring between 2000 and 2010; project-based Section 8 properties expiring between 2011 and 2020; all active project-based Section 8 properties; LIHTC properties reaching the end of their 15-year compliance period between 2011 and 2020; all active LIHTC properties; new LIHTC properties that became active between 2000 and 2010; vouchers; and public housing. The authors measured neighborhood opportunity by spatial job accessibility, location affordability, school affordability, crime, poverty, racial composition, unemployment, household composition, and educational attainment (high school) among adults. The authors then created an overall score to compare neighborhood opportunity across the different property groups.

The authors found that project-based Section 8 properties whose rent restrictions expired between 2000 and 2010 were located on average in lower opportunity neighborhoods than LIHTC properties and voucher holders, but that these neighborhoods were improving. In contrast, project-based Section 8 properties expiring between 2011 and 2020 are on average in neighborhoods of higher opportunity than any other subsidy program. These findings suggest a significant risk of losing project-based Section 8 properties from the affordable housing stock in higher opportunity neighborhoods during this decade. They also suggest that tenant protection vouchers may provide limited options for project-based Section 8 tenants to move to a neighborhood of equal or higher opportunity should their building’s rent restriction expire.

The findings for LIHTC properties were less clear. Between 2000 and 2010, new LIHTC properties were on average in neighborhoods similar to expired project-based Section 8 properties, but LIHTC neighborhoods were not improving. LIHTC properties whose 15-year compliance period ends between 2011 and 2020 are on average located in neighborhoods with opportunity similar to that of voucher holders. The LIHTC properties, however, are on average in neighborhoods that have shown the greatest decline in opportunity relative to the other subsidy programs.

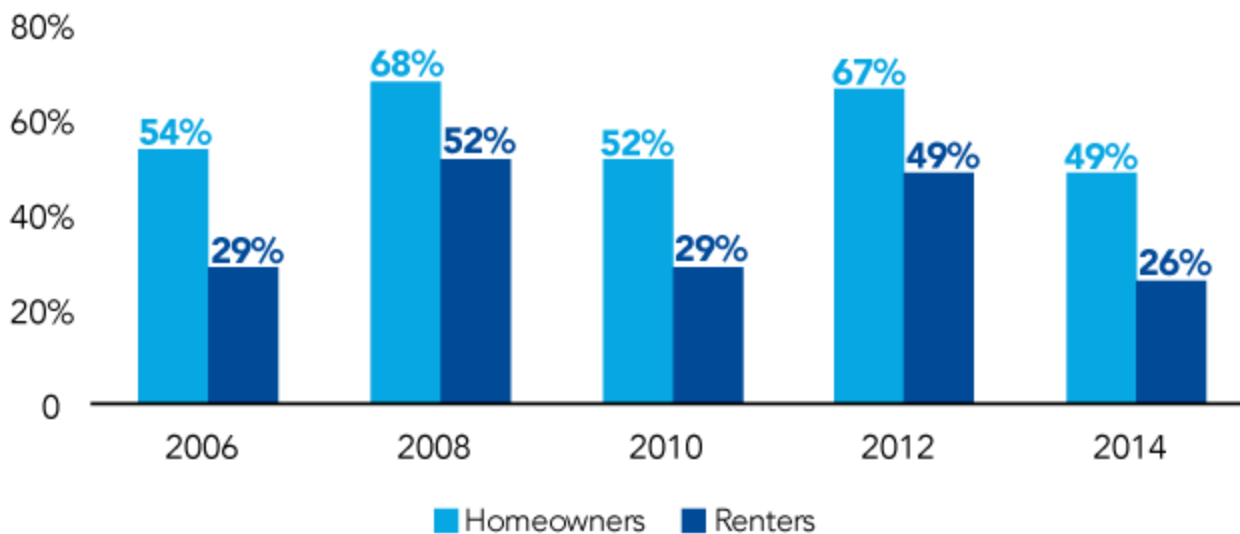
The authors suggest that limited housing resources at all levels of government require difficult decisions regarding new development and preservation. Neighborhood opportunity may be an important factor in determining where to target resources for preservation.

*Preserving Neighborhood Opportunity: Where Federal Housing Subsidies Expire* is available at: <http://bit.ly/2cLkegH>

## Fact of the Week

### Renters Vote Far Less Often than Homeowners

#### U.S. Citizens Who Reported Voting in National Elections by Occupant Type (2006-2014)



Source: November 2006 to 2014 Current Population Surveys

## **Housing and Elections**

### **Five Ways to Take Action Between Now and the Election**

U.S. Representatives and Senators are scheduled to return to their home districts and states between October 10 and November 11, but they may head back home as early as next week. Their return home gives affordable housing and community development organizations the opportunity to influence a number of critical issues before Congress and to help break through the noise of the presidential campaigns to make affordable housing an election issue.

To help advocates make full use of this time, NLIHC has created a Summer/Fall 2016 Advocacy Guide, outlining the five key ways organizations can take action between now and the November elections to advocate for the issues that are most important to their mission, the people they serve, and their community.

The advocacy guide covers ways you can help increase federal spending on key housing programs, expand and improve the Low Income Housing Tax Credit, ensure that housing needs are addressed in criminal justice reform, use NLIHC Voterization resources to engage voters and candidates, and support the Make Room campaign—an initiative to demand that Congress make affordable housing a top priority.

See NLIHC's Summer/Fall Advocacy Guide at: <http://bit.ly/2aUc0yZ>

See NLIHC's Sample Candidate Questionnaire at: <http://bit.ly/2bm5Esk>

For more information and best practices on how nonprofit organizations and individuals can lobby their elected officials, see the “Lobbying: Individual and 501(c)(3) Organizations” chapter in NLIHC's *2016 Advocates' Guide* at: <http://bit.ly/2azsrTX>

### **From the Field**

#### **St. Louis Advocates Organize Against Illegal Lock-Outs**

A coalition of fair housing, legal services and other social justice advocates in St. Louis, MO are organizing against “lock-out” or “self-help” evictions from rental housing properties, which are illegal without a court order under Missouri state law. The coalition is led by the Metropolitan St. Louis Equal Housing Opportunity Council (EHOC) and Empower Missouri, an NLIHC state partner.

Lock-out evictions may consist of a landlord changing or removing locks on the door, boarding up doors or windows, removing a tenant's possessions, terminating utility services, or otherwise making a tenant's home uninhabitable to force a tenant to vacate the premises. These extrajudicial eviction processes often are carried out without the court order required by law and in some cases have occurred with the threat of or actual violence by landlords. According to Kalila Jackson of EHOC, households with the lowest incomes, women of color, families with young children, and people with disabilities are the most vulnerable to these forms of illegal evictions and factor disproportionately among those who seek legal assistance from EHOC in lock-out cases.

Ms. Jackson states there has been an increase in lock-out cases reported to EHOC recently, but also notes the difficulty in gathering accurate numbers: Because lock-out evictions take place outside of the legal process, there is no comprehensive mechanism for tracking where, when, and how frequently they occur. Many cases are not reported.

David Lander, a professor of practice at the Saint Louis University School of Law and a community legal advocate, notes that when a person experiences a lock-out eviction – often someone already vulnerable in their housing situation as well as in other areas of life – that person may find it easier to move forward and seek

housing elsewhere rather than report their illegal displacement and seek legal remedies. “The people impacted are often the most vulnerable in our communities. Often when the tenants return to their homes, their possessions are locked in or left on the street and the locks on their doors have been changed. The tenants often call the police, but receive the response that this is a civil matter and outside the hands of the police,” says Mr. Lander.

The coalition has come together to combat and prevent further lock-outs by advocating for a citywide ordinance that clearly defines an illegal eviction, a tenant’s rights during an illegal eviction, and the penalties for violation of the law against lock-outs. In many other municipalities across the country, lock-outs are illegal by state law and clarified by municipal ordinance. Advocates in St. Louis have pointed to these cities and counties as examples. Based on early conversations with St. Louis City Alderpersons, the coalition is hopeful an ordinance may be enacted as early as December. Advocates are actively seeking additional coalition partners to join in their effort to pass a citywide ordinance. Once an ordinance is enacted, the coalition plans to address the operational procedures of police departments during evictions, first in St. Louis City and then in other municipalities across the metropolitan area.

Empower Missouri notes that illegal evictions are not unique to the St. Louis metropolitan but occur across the state, and soon will begin connecting advocates in St. Louis with those in Kansas City, MO. They envision success in St. Louis leading to similar measures in Kansas City and other cities across the state, and see their work combatting illegal evictions as one piece of broader improvements in tenants’ rights laws needed in Missouri.

“The Affordable Housing and Homelessness Task Force of Empower Missouri is committed to advocating for accessible and affordable housing for vulnerable populations in Missouri. Illegal lockouts only act to intensify the instability that many within these populations experience on a daily basis. We are grateful for the work of EHO and other advocates in ensuring access to justice and restoring dignity to these individuals and families,” says Nicole McKoy, co-chair of Empower Missouri’s Affordable Housing and Homelessness Task Force.

For more information, contact Nicole McKoy at [nicole\\_mckoy@usc.salvationarmy.org](mailto:nicole_mckoy@usc.salvationarmy.org).

## **Resources**

### **U.S. Census Bureau Releases 2015 American Community Survey**

The U.S. Census Bureau released data from the 2015 American Community Survey (ACS) on September 15. The data show that there were 43.7 million renter households in 2015. Of these renter households, 21.4 million were cost burdened, spending more than 30% of their income on housing. At 49.1%, this amounts to nearly half of all renter households.

The percentage of cost-burdened renter households declines with income. Among renter households with annual incomes of less than \$20,000, 88.9% were cost burdened, and among those with annual incomes between \$20,000 and \$34,999, 75.3% were cost burdened. Only 5.8% of renter households with annual incomes of \$75,000 or more were cost burdened in 2015.

The ACS collects U.S. demographic, housing, economic, and commuting data on an annual basis. Approximately 3.5 million households are selected annually from every county in the nation to complete the survey. Annual survey results are available at the state, county, and local levels for jurisdictions with at least 65,000 residents. These results are published in pre-tabulated summary tables available on American FactFinder’s website.

The Census Bureau also releases the ACS Public Use Microdata Sample (PUMS) later in the year, which provides researchers with untabulated records from the latest ACS about individuals and housing units. NLIHC

utilizes ACS PUMS data to conduct its annual [Affordable Housing Gap Analysis](#), an in-depth examination of the affordability of the rental housing stock and cost-burdens in all 50 states and the 50 largest metropolitan areas.

The 2015 ACS is available on American FactFinder's website at: <http://bit.ly/1vEz1wK>

## Events

### Documentary Highlights America's Affordable Housing Crisis

The Brookings Institute presented an early screening of the eight-part documentary series, *America Divided*, on September 14. Executive producers, Norman Lear and Solly Granatstein, aim to renew the conversation of social and economic inequalities in America. "America Divided" exposes racism in America and its implications for limiting economic opportunity. The documentary series begins on September 30 on the EPIX channel.

The Brookings Institute prescreened the documentary's segment on the housing affordability crisis in New York City. It illustrated how different groups have tried to address the lack of housing affordability, including activists working to protect tenant rights and politicians trying to increase the affordable housing stock.

During a panel discussion that followed the screening of the documentary, Mr. Lear explained that he is driven to expose how racially divided our society is in order to confront America's inability to discuss solutions to persistent inequalities. Mark Calabria of the CATO Institute expressed his concerns about how affordable housing affects property values in high income areas. He suggested fewer regulations and an open development market to fill the need of both high and low income individuals. Mr. Lear and Lisa Rice of the National Fair Housing Alliance disagreed with this perspective, arguing that protecting affordable housing is vital to socio-economic mobility and the failure to provide such housing would result in a national humanitarian crisis.

Although the panelists disagreed on how to achieve greater housing affordability, they found common ground on the need to alleviate the national housing and homelessness crisis.

Watch the panel discussion at: <http://brook.gs/2cqDfk1>

Learn more about *America Divided* at: <http://bit.ly/2bJLoBA>

### September 22 is National Renters' Day of Action

Tenant and housing justice groups and allies in over 45 cities across the country will take to the streets for the National Renters' Day of Action on September 22. The day of action is being coordinated by Homes For All ([www.homesforall.org](http://www.homesforall.org)), a national campaign of housing and land justice organizations formed in 2013 to advance the belief that all people have a human right to housing.

Homes For All has released a number of national demands in advance of the day of action including a freeze on unjust evictions and rent increases, the adoption of a livable rent standard to ensure no family pays more than 30% of income on rent, the right of all tenants to organize without fear of eviction or retaliation, and the transfer of vacant, underused and foreclosed land to community control to create affordable housing and meet other community needs.

"The Renters' Day of Action will be the largest and most significant mobilization of renters in recent history. In almost every region across the country rents are rising astronomically, unjust evictions and homelessness are reaching epidemic levels," says Darnell Johnson of Right to the City Boston, which is planning a citywide

march. “We are in a national renter crisis. The time is now for mass direct action and urgent solutions at the local, state, regional and national levels to resolve this crisis.”

For more information on demands and a list of all actions planned, go to: <http://bit.ly/2crhG64>

For personal stories of families impacted by the renter state of emergency: <http://bit.ly/2cfzjEt>

For media inquiries, contact: Malcolm Torrejón Chu, [malcolm@RightToTheCity.org](mailto:malcolm@RightToTheCity.org) 718-666-6872

## **More NLIHC News**

### **NLIHC Seeks Fall Research Intern**

NLIHC is accepting applications for the fall 2016 research internship position. Interns are highly valued and fully integrated into our staff work. We seek students passionate about social justice issues, with excellent writing and interpersonal skills, and preferably with quantitative research experience.

The NLIHC Research Intern assists in ongoing quantitative and qualitative research projects, writes weekly articles on current research for *Memo to Members*, attends briefings, and responds to research inquiries.

This position begins in September and runs until December and is at least 20-30 hours a week. Two semester placements are possible. NLIHC provides modest stipends.

A cover letter, resume, and writing sample are required for consideration. In your cover letter, please indicate that you are applying for the fall 2016 research internship.

Interested students should send their materials to: Paul Kealey, chief operating officer, National Low Income Housing Coalition, 1000 Vermont Avenue, NW, Washington, DC 20005 via email to [pkealey@nlihc.org](mailto:pkealey@nlihc.org).

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